

REFERENCE TITLE: air quality; stage II; tanks

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2195

Introduced by
Representatives Farley: Campbell CH, Young Wright

AN ACT

AMENDING SECTION 41-2132, ARIZONA REVISED STATUTES; RELATING TO GASOLINE VAPOR CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2132, Arizona Revised Statutes, is amended to
3 read:

4 41-2132. Stage I and stage II vapor recovery systems

5 A. A person shall not offer for sale, sell, install or use a new
6 gasoline vapor recovery system, or any new or rebuilt component parts of the
7 system, unless the system or component part has been certified by the
8 California air resources board as of March 31, 2001 or after that date and
9 has not been rejected by the department. The department shall maintain and
10 keep current a list of stage I and stage II vapor recovery systems and
11 component parts that are approved by the department. Only those systems that
12 are approved shall be used in this state. All certified vapor recovery
13 components must be clearly identified by a permanent identification affixed
14 by the certified manufacturer or rebuilder.

15 B. For gasoline dispensing sites with a throughput of over ten
16 thousand gallons per month in area A or area B as defined in section 49-541,
17 and beginning on January 1, 2001 for gasoline dispensing sites with a
18 throughput of over ten thousand gallons per month in area A but outside of
19 the Phoenix area Maricopa county ozone nonattainment area as prescribed in 40
20 Code of Federal Regulations section 81.303, a person shall not transfer or
21 allow the transfer of gasoline into storage tanks at gasoline dispensing
22 sites unless the storage tank is equipped with either of the following:

23 1. A stage I vapor collection system consisting of a vapor-tight
24 return line from the storage tank or its vent to the gasoline transport
25 vehicle.

26 2. A properly installed on-site vapor control system connected to a
27 vapor collection system.

28 C. In an ozone nonattainment area designated as moderate, serious,
29 severe or extreme by the United States environmental protection agency under
30 section 107(d) of the clean air act, area A or other geographical area as
31 provided in subsection I of this section, an owner or operator of a gasoline
32 dispensing site shall not transfer or allow the transfer of gasoline into a
33 motor vehicle fuel tank at a gasoline dispensing site unless the gasoline
34 dispensing site is equipped with a stage II vapor collection system. This
35 subsection does not apply to gasoline dispensing sites with a throughput of
36 less than ten thousand gallons per month, or to a gasoline dispensing site
37 with a throughput of less than fifty thousand gallons per month in the case
38 of an independent small business marketer of gasoline as defined in section
39 324 of the clean air act or to a gasoline dispensing site that is located on
40 a manufacturer's proving ground. Beginning on January 1, 2001, this
41 subsection applies to gasoline dispensing sites that are located within area
42 A but outside the Phoenix area Maricopa county ozone nonattainment area as
43 defined in 40 Code of Federal Regulations section 81.303.

1 D. An owner or operator of a gasoline storage tank, gasoline transport
2 vehicle or gasoline dispensing site subject to stage I or stage II vapor
3 collection requirements shall comply with the following:

4 1. Install all necessary stage I and stage II vapor collection and
5 control systems and make any modifications necessary to comply with the
6 requirements.

7 2. Provide adequate training and written instructions to the operator
8 of the affected gasoline dispensing site and the gasoline transport vehicle.

9 3. Replace, repair or modify any worn or ineffective component or
10 design element to ensure the vapor-tight integrity and efficiency of the
11 stage I and stage II vapor collection systems.

12 4. Connect and ensure proper operation of the stage I and stage II
13 vapor collection systems whenever gasoline is being loaded, unloaded or
14 dispensed.

15 5. FOR ALL NEW STAGE I AND STAGE II VAPOR RECOVERY SYSTEMS INSTALLED
16 OR MAJOR MODIFICATIONS MADE TO EXISTING STAGE I AND STAGE II VAPOR RECOVERY
17 SYSTEMS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, INSTALL:

18 (a) A TANK MANAGEMENT SYSTEM THAT IS APPROVED BY THE CALIFORNIA AIR
19 RESOURCES BOARD AND THAT RECOVERS VAPOR FROM THE VENT STACK AND RETURNS THE
20 VAPOR TO THE STORAGE TANK.

21 (b) AN IN-STATION DIAGNOSTIC SYSTEM THAT IS APPROVED BY THE CALIFORNIA AIR
22 RESOURCES BOARD AND THAT MONITORS THE VAPOR RECOVERY EQUIPMENT TO ENSURE
23 EQUIPMENT OPERATION.

24 E. Before the initial installation or modification of any stage I or
25 stage II recovery system, the owner or operator of a gasoline storage tank,
26 gasoline transport vehicle or gasoline dispensing site shall obtain a plan
27 review and approval from the department. Application for the plan review and
28 approval shall be on forms prescribed and provided by the department.

29 F. The operator of each gasoline dispensing site using a stage II
30 vapor recovery system shall conspicuously post operating instructions for the
31 system in the gasoline or oxygenated fuel dispensing area. The instructions
32 shall clearly describe how to fuel vehicles correctly with the vapor recovery
33 nozzles used at the station and shall include a warning that topping off may
34 result in spillage or recirculation of gasoline or oxygenated fuel and is
35 prohibited.

36 G. The department of weights and measures in consultation with the
37 department of environmental quality and the state fire marshal shall
38 establish by rule standards for the installation and operation of stage I and
39 stage II vapor recovery systems. The department of weights and measures
40 shall establish by rule plan review and approval fees. In establishing those
41 rules and standards, the director shall consider requirements in other states
42 to assure that only state of the art technology is used.

43 H. Approval of a stage I or stage II vapor collection system by the
44 department does not relieve the owner or operator of the responsibility to

1 comply with other applicable statutes, codes and rules pertaining to fire
2 prevention, environmental quality and safety matters.

3 I. Any county, city or town outside an ozone nonattainment area
4 designated as moderate, serious or severe by the environmental protection
5 agency under section 107(d) of the clean air act or outside of area A as
6 defined in section 49-541 may require gasoline dispensing sites with a
7 throughput greater than ten thousand gallons per month or fifty thousand
8 gallons per month in the case of an independent small business marketer of
9 gasoline as defined in section 324 of the clean air act to install, operate
10 and maintain stage II vapor collection systems in accordance with this
11 section. For a county, city or town considering the adoption of a resolution
12 to require stage II vapor collection systems within its jurisdiction and on
13 request, the department of environmental quality shall provide technical
14 assistance in evaluating the air quality in that county, city or town and
15 shall provide final review and approval of an adopted resolution.

16 J. A county board of supervisors or governing body of a city or town
17 shall submit a resolution approved by the department of environmental quality
18 to the director of the department of weights and measures requesting the
19 imposition of the requirements for stage II vapor collection systems within
20 its jurisdiction.

21 K. The director shall adopt, by rule, compliance schedules for
22 gasoline dispensing sites located within the jurisdiction requesting stage II
23 vapor collection system requirements no later than twelve months after
24 receipt of the resolution from the county board of supervisors or governing
25 board of a city or town. All gasoline dispensing sites other than those that
26 are exempt pursuant to subsection C of this section shall be required to
27 comply with stage II vapor collection system rules within twenty-four months
28 after the rules have been filed with the secretary of state.

29 L. A county board of supervisors or governing body of a city or town
30 that adopts the requirements for stage II vapor collection systems may repeal
31 those requirements by adopting a resolution to remove the imposition of those
32 requirements within its jurisdiction unless the county, city or town is in an
33 ozone nonattainment area that has since been designated as moderate, serious
34 or severe by the United States environmental protection agency under section
35 107(d) of the clean air act. On receipt of the resolution, the director of
36 the department of weights and measures shall consult with the director of the
37 department of environmental quality to verify that a county, city or town is
38 outside of an ozone nonattainment area designated as moderate, serious or
39 severe by the United States environmental protection agency under section
40 107(d) of the clean air act. After consultation with the department of
41 environmental quality, the director of the department of weights and measures
42 shall revise the rules to repeal the requirements for stage II vapor
43 collection systems within that jurisdiction as soon as practicable.